IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

-

WRIT PETITION NO : 12008 of 2004

Between:

K.Sujatha, w/o K.V.L.N.Rao,
r/o 12-2-828/A/45, Mehdipatnam, Hyderabad.

..... PETITIONER

AND

1 Municipal Corporation of Hyderabad, rep., by its Commissioner, Tank Bund, Hyderabad.
2 The Mandal Revenue Officer, Asifnagar, Hyderabad.
3 Chief City Planner, Municipal Corporation of Hyderabad, Tankbund, Hyderabad.
4 Assistant City Planner, Circle-IV, Municipal Corporation of Hyderabad, Khairtabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, or order or direction more particularly in the nature of writ of mandamus declaring the inaction of the part of the respondents in evicting the illegal encroachers around the Kalayanamandapam/Rajarajeswari Temple, Ramamurthy Colony, Mehdipatnam, Hyderabad as unconstitutional and consequently direct the authorities to evict all the encroachers all around this structure upon the place meant for public road, which is approach way to this Kalyanamandapam/Rajarajeswari Temple, Ramamurthy Colony, Mehdipatnam and to lay the road and fence open space.

Counsel for the Petitioner : MR.K.S.MURTHY

Counsel for the Respondent No.1, 3 AND 4 : Mr. G.RAMA RAO

Counsel for the Respondent No.2 : GP FOR MUNCIPAL ADMINISTRATION URBAN DEVELOPMENT.

The Court at the stage of admission made the following :

ORDER:

This writ petition is filed against the inaction of the respondents in evicting the illegal encroachers around Kalyanamandapam/Rajarajeswari Temple, Ramamurthy Colony, Mehdipatnam.

According to the petitioner, with the approval of the respondent-Municipal Corporation, a Kalyanamandapam was constructed in their colony and later it has been developed into Sri Rajarajeswari Temple and large number of colony residents mostly women devotees visit the temple and there is only one approach road to the temple on the southern side, as per the approved lay out. While so, some hut dwellers have made illegal constructions on the southern side of the temple by encroaching the approach road to the temple. On the representations of the colony people to the authorities, the hut dwellers have been allotted some nearby land, they have constructed houses there and shifted there. Thereafter, some anti social people have occupied the houses left by the hut dwellers and are causing inconvenience to the residents of the colony and the devotees by blocking the road. The grievance of the petitioner is that in spite of their repeated requests, the respondents are not taking any action in removing unauthorized constructions and evicting the encroachers of the approach road to the temple.

Heard the learned counsel for the petitioner and the learned Government Pleader for Municipal Administration and Sri Ghanta Rama Rao, standing counsel for respondent - Municipal Corporation.

The learned standing counsel for the respondent – Corporation admits that there are encroachments on the land in question and the Muncipal Corporation is going to take steps to remove the encroachments and lay the road.

In the circumstances, the respondents 3 and 4 are directed to take necessary action to remove the encroachments made on the approach road on the southern side of the temple within a period of four weeks from the date of receipt of a copy of this order, by taking police protection, if necessary.

The writ petition is accordingly disposed of. No costs.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER.

To

1 The Commissioner, Municipal Corporation of Hyderabad, Tank

Bund, Hyderabad.
2 The Mandal Revenue Officer, Asifnagar, Hyderabad.
3 Chief City Planner, Municipal Corporation of Hyderabad,
Tankbund, Hyderabad.
4 Assistant City Planner, Circle-IV, Municipal Corporation of Hyderabad,

5 2CCs to GP for Municipal Administration and Urban Development.

6 2CD copies